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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JAMES COTTLE, et al.,

Plaintiffs,

v.

PLAID INC.,

Defendant.

CASE NO. 4:20-cv-03056-DMR

**STIPULATION AND ~~PROPOSED~~ ORDER  
EXTENDING TIME TO RESPOND TO  
COMPLAINT AND SETTING BRIEFING  
SCHEDULE (AS MODIFIED)**

Hon. Donna M. Ryu

Action Filed: May 4, 2020

Trial Date: None Set

1 Defendant Plaid Inc. (“Defendant”) and Plaintiffs James Cottle and Frederick Schoeneman,  
2 on behalf of themselves and all others similarly situated (“Plaintiffs”) by and through their counsel of  
3 record, hereby stipulate as follows:

4 WHEREAS, Plaintiffs commenced this action by filing a Complaint on May 4, 2020, *see* Dkt.  
5 No. 1;

6 WHEREAS, the Complaint asserts ten separate causes of action against Defendant Plaid Inc.  
7 and includes factual and legal allegations predicated on conduct that is claimed to go back to 2013;

8 WHEREAS, the ongoing COVID-19 pandemic and related governmental orders have  
9 impacted, among many other things, ongoing business and litigation activities, including delaying  
10 typical briefing schedules;

11 WHEREAS, Plaintiffs served Defendant with the Complaint on May 6, 2020 and Defendant’s  
12 answer or other response to the Complaint is currently due on May 27, 2020, *see* Dkt. No. 26;

13 WHEREAS, Plaintiffs and Defendant consented to have Magistrate Judge Ryu conduct all  
14 further proceedings in this case on May 6, 2020 and May 26, 2020, respectively, *see* Dkt. Nos. 15 &  
15 34;

16 WHEREAS, this extension of time will not alter the date of any event or deadline already  
17 fixed by Court order;

18 WHEREAS, no previous time modifications have been made in the case, whether by  
19 stipulation or Court order;

20 WHEREAS, Civil Local Rule 6-1(a) provides that “[p]arties may stipulate in writing, without  
21 a Court order, to extend the time within which to answer or otherwise respond to the complaint, or to  
22 enlarge or shorten the time in matters not required to be filed or lodged with the Court, provided the  
23 change will not alter the date of any event or any deadline already fixed by Court order”; and

24 WHEREAS, this stipulation is not intended to operate as an admission of any factual  
25 allegation or legal conclusion and is submitted subject to and without waiver of any right, defense,  
26 affirmative defense, or objection, including lack of subject matter jurisdiction, lack of personal  
27 jurisdiction, or improper venue, except that Defendant expressly waives any defect concerning  
28 insufficient process or insufficient service of process;

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
2 undersigned counsel for the parties in this action, pursuant to Civil Local Rule 6-1 that:

- 3 • Defendant will file its responsive pleading or otherwise respond to Plaintiffs'  
4 Complaint (Dkt. No. 1) on or before July 22, 2020.
- 5 • Plaintiffs may file an opposition to any responsive pleading motion on or before  
6 September 23, 2020.
- 7 • Defendant may file a reply brief in support of any such pleading motion on or  
8 before October 14, 2020.
- 9 • The Court will hear argument at the soonest time available thereafter, based on the  
10 Court's availability.

11 In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the  
12 concurrence to the filing of this document has been obtained from the other signatory, below.

13  
14 Dated: May 26, 2020

GIBSON, DUNN & CRUTCHER LLP

15  
16 By: /s/ Ethan D. Dettmer

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28 *Attorneys for Defendant Plaid Inc.*

Dated: May 26, 2020

By:

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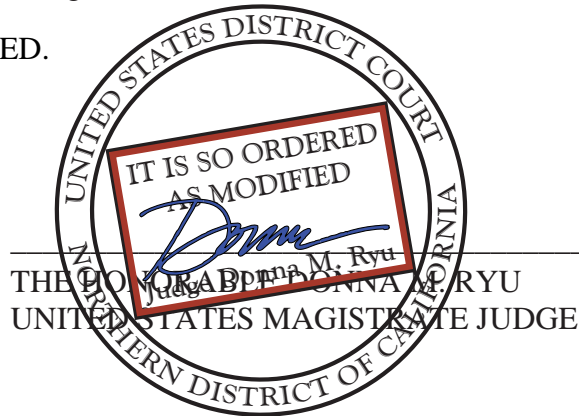
**[PROPOSED] ORDER**

Having reviewed the above Stipulation and Proposed Order Extending Time to Respond to Complaint and Setting Briefing Schedule, and good cause appearing, IT IS HEREBY ORDERED that the following schedule shall govern this matter:

- Defendant will file its responsive pleading or otherwise respond to Plaintiffs' Complaint (Dkt. No. 1) on or before July 22, 2020.
- Plaintiffs may file an opposition to any such pleading motion on or before September 23, 2020.
- Defendant may file a reply brief in support of any such pleading motion on or before October 14, 2020.
- The Court will <sup>set a hearing on the motion upon completion of the briefing, if necessary.</sup> ~~hear argument on the motion on \_\_\_\_\_, at \_\_\_\_\_.~~

**IT IS SO ORDERED AS MODIFIED.**

DATED: May 27, 2020



**CERTIFICATE OF SERVICE**

I, Ethan D. Dettmer, hereby certify that on May 26, 2020, I caused the foregoing Stipulation and [Proposed] Order Extending Time to Respond to Complaint and Setting Briefing Schedule to be electronically filed via the Court's CM/ECF system. Notice of this filing will be served to all counsel of record by operation of the Court's electronic filing system.

/s/ Ethan D. Dettmer  
Ethan D. Dettmer